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Amendment  
Attorney Docket No. S63.2B-9919-US01

REMARKS

Claims 1-11 and 15-25 are now pending in the application. Claims 12-14 have been cancelled without prejudice to the optional re-submission is a continuation application. Support for new claim 24 is provided at least at page 5, lines 7-9 and Fig. 1. Support for new claim 25 is provided at least at page 2, lines 7-8.

Claims 1-23 have been rejected under 35 USC §102 (b) as anticipated by Healy (5,670,161).

The rejection is traversed as to the pending claims.

The Office Action states:

Healy discloses in fig 5, a process for forming a stent having the limitations of claims 1-23, including: the process comprises the step of forming a tubular stent of the polymer material (see col 9, lines 22-46); the stent radially expanding to produce an expanded diameter stent, annealing the expanded diameter stent (see col 10, lines 49-65) that shrinks (see col .7 lines 50- 57) from its expanded diameter to a reduced diameter, and at least one time repeating of steps b) and c) in sequence.

This is not true.

Healy fails to teach or suggest annealing an expanded diameter stent or tubular article. The stents of Healy are formed in the configuration for delivery (col. 8, line 66- col. 9, line 3) The stents may be formed in a number of ways (see e.g col 8, lines 49-65 and col. 9 lines 17- 65), one of which is by dip coating a melt or solution of the stent polymer onto a glass rod coated with PTFE that has been deposited circumferentially and which is said to produce a circumferential orientation of the stent polymer chains. This formed tube may be heated to increase its crystallinity (col. 9, line 36-40), but this heating is clearly not performed on an expanded tube. In fact, in none of the various ways of making the Healy stents is there any mention of an expansion prior to delivery. Annealing is mentioned at col. 10, lines 62-65, but this again clearly pertains to stents as formed, not to expanded stents.

The only description in Healy of expanding the stents to an expanded diameter is in the context of expansion at the site of deployment. The stents are heated at the time of expansion (see col. 3, lines 39-45 and col. 10. line 66 - col. 11, line 3, and col. 11, lines 32-51). The heating allows the polymer material to plastically deform so that it retains its expanded configuration when cooled (see col. 7, lines 50-61 where Healy teaches that following the heated

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expansion the stent is cooled and "remains open"). This feature would prevent delivery if it occurred at a time other than at the time it is deployed. No annealing step follows the delivery of the stent.

Still further with respect to claims 2, 15-16 and 22, Healy has no teaching of repetitive expansion and annealing/shrink steps. Although the office action asserts that Healy teaches "and at least one time repeating of steps b) and c) in sequence," this is a naked assertion which identifies no location where the alleged teaching can be found. The undersigned can find no such teaching anywhere in the Healy patent.

In view of the amendments and remarks presented herein, it is submitted that the application is in condition for allowance. Early and favorable action thereon is respectfully requested.

Respectfully submitted,

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Date: August 1, 2006

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